

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature Second Regular Session - 2006

IN THE SENATE

SENATE BILL NO. 1389, As Amended in the House

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO REGIONAL MENTAL HEALTH SERVICES; AMENDING SECTION 39-3124, IDAHO CODE, TO PROVIDE FOR STATE MENTAL HEALTH AUTHORITY RESPONSIBILITIES; AMENDING SECTION 39-3125, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR STATE MENTAL HEALTH AUTHORITY RESPONSIBILITIES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3125, IDAHO CODE, TO ESTABLISH A STATE PLANNING COUNCIL, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PROVIDE FOR APPOINTMENT AUTHORITY AND MEMBERSHIP, TO PROVIDE FOR MEMBERSHIP TERMS AND TO PERMIT THE ESTABLISHMENT OF SUBCOMMITTEES; AMENDING SECTION 39-3126, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3127, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE ADDITIONAL REGIONAL COMPREHENSIVE MENTAL HEALTH CENTER SERVICES; REPEALING SECTION 39-3128, IDAHO CODE, RELATING TO ESTABLISHMENT OF SERVICES IN EACH REGION; AMENDING SECTION 39-3129, IDAHO CODE, TO PROVIDE THAT PETITIONS TO THE STATE MENTAL HEALTH AUTHORITY BE MADE THROUGH THE REGIONAL MENTAL HEALTH BOARD; AMENDING SECTION 39-3132, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE REGIONAL MENTAL HEALTH BOARD; AMENDING SECTION 39-3133, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE; AND AMENDING SECTION 39-3134A, IDAHO CODE, TO PERMIT ADDITIONAL STATE FUNDING TO REGIONAL MENTAL HEALTH BOARDS FOR SPECIFIED SERVICES AND TO PERMIT FUNDING FROM PRIVATE AND OTHER PUBLIC SERVICES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3124, Idaho Code, be, and the same is hereby amended to read as follows:

39-3124. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY. The Idaho department of health and welfare is hereby designated the state mental health authority. The state mental health authority is responsible for taking into consideration and incorporating the recommendations and evaluations of the state planning council on mental health and the regional mental health boards in all statewide efforts to expand, improve, modify or transform the mental health service delivery system of the state. The state mental health authority shall identify the resources necessary for these efforts to be implemented on a statewide basis.

SECTION 2. That Section 39-3125, Idaho Code, be, and the same is hereby amended to read as follows:

39-3125. DESIGNATION OF REGIONS FOR COMPREHENSIVE MENTAL HEALTH SERVICES. Recognizing both the right of every citizen to the best mental health services that the state is able to provide and the disproportionate ability of counties to finance mental health services, the state mental health authority shall designate regions **and be responsible** for ~~the purpose of~~ establishing

41 regional comprehensive mental health services for all areas of the state. In

2

1 the establishment of regions, primary consideration will be given to natural
2 population groupings and trading areas, the regions previously designated for
3 the establishment of other health services, the mental health needs of the
4 people within the proposed regions, and the appropriate maximal use of avail-
5 able funding.

6 SECTION 3. That Chapter 31, Title 39, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a **NEW SECTION**, to be known and des-
8 ignated as Section 39-3125, Idaho Code, and to read as follows:

9 39-3125. STATE PLANNING COUNCIL ON MENTAL HEALTH. (1) A state planning
10 council shall be established to serve as an advocate for adults with a severe
11 mental illness and for seriously emotionally disturbed children and youth; to
12 advise the state mental health authority on issues of concern, policies and
13 programs and provide guidance to the mental health authority in the develop-
14 ment and implementation of the state mental health systems plan; to monitor
15 and evaluate the allocation and adequacy of mental health services within the
16 state on an ongoing basis; to ensure that individuals with severe mental ill-
17 ness and serious emotional disturbances have access to treatment, prevention
18 and rehabilitation services including those services that go beyond the tradi-
19 tional mental health system; to serve as a vehicle for intra-agency and inter-
20 agency policy and program development; and to present to the governor and the
21 legislature by June 30 of each year a report on the council's achievements and
22 the impact on the quality of life that mental health services has on citizens
23 of the state.

24 (2) The planning council shall be appointed by the governor and be com-
25 prised of no less than fifty percent (50%) family members and consumers with
26 mental illness. Membership shall also reflect to the extent possible the col-
27 lective demographic characteristics of Idaho's citizens. The planning council
28 membership shall strive to include representation from consumers, families of
29 adult individuals with severe mental illness; families of children or youth
30 with serious emotional disturbance; principal state agencies including the
31 judicial branch with respect to mental health, education, vocational rehabili-
32 tation, criminal justice, title XIX of the social security act and other enti-
33 tlement programs; public and private entities concerned with the need, plan-
34 ning, operation, funding and use of mental health services, and related sup-
35 port services; and the regional mental health board in each department of
36 health and welfare region as provided for in section 39-3130, Idaho Code. The
37 planning council may include members of the legislature and the state judi-
38 ciary.

39 (3) The planning council members will serve a term of two (2) years or at
40 the pleasure of the governor, provided however, that of the members first
41 appointed, one-half (1/2) of the appointments shall be for a term of one (1)
42 year and one-half (1/2) of the appointments shall be for a term of two (2)
43 years. The governor will appoint a chair and a vice-chair whose terms will be
44 two (2) years.

45 (4) The council may establish subcommittees at its discretion.

46 SECTION 4. That Section 39-3126, Idaho Code, be, and the same is hereby
47 amended to read as follows:

48 39-312~~67~~. RECIPROCAL AGREEMENTS BETWEEN STATES TO SHARE SERVICES. In such
49 regions where natural population groupings overlap state boundaries, a
50 regional comprehensive mental health service may be established jointly with a

1 neighboring state or states. In such instances, the state mental health
2 authority may enter into reciprocal agreements with these states to either
3 share the expenses of the service in proportion to the population served; to
4 allow neighboring states to buy services from Idaho; or to allow Idaho to pur-
5 chase services that are otherwise not available to her citizens.

6 SECTION 5. That Section 39-3127, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-3127. SERVICES TO BE OFFERED. A regional mental health service shall
9 include one (1) or more of the services leading to the establishment of a
10 regional comprehensive mental health center. A comprehensive mental health
11 center may include such services as:

12 (1) Short-term hospitalization for psychiatric treatment in an approved
13 medical facility within the region;

14 (2) Partial hospitalization;

15 (3) Outpatient diagnosis and treatment;

16 (4) 24-hour emergency psychiatric services;

17 (5) Community consultation and education;

18 (6) Diagnostic services for other agencies;

19 (7) Rehabilitative services;

20 (8) Precare and postcare services in cooperation with a state mental hos-
21 pital;

22 (9) Training of mental health personnel;

23 (10) Research and evaluation;

24 (11) Transitional housing for individuals, including juveniles, with men-
25 tal illness and/or addiction disorders to promote and sustain the ability of
26 these individuals to live in the community and avoid institutionalization; and

27 (12) Intensive supportive services such as those delivered by assertive
28 community treatment teams. Assertive community treatment teams provide
29 individualized treatment, rehabilitation and support services to the severely
30 and persistently mentally ill.

31 SECTION 6. That Section 39-3128, Idaho Code, be, and the same is hereby
32 repealed.

33 SECTION 7. That Section 39-3129, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 39-3129. PETITION FOR REGIONAL SERVICES. Petition for regional mental
36 health services may be made to the state mental health authority through the
37 regional mental health board. The petition may be submitted by units of gov-
38 ernment within the region, by public and private agencies or professional
39 associations serving within the region, or by a private, nonprofit corporation
40 formed by citizens of that region for the purpose of planning for, petitioning
41 for and securing mental health services for that region. The petition shall
42 contain: (1) an identification of the petitioning group or groups; (2) a
43 statement of the mental health needs of the region; and (3) an outline of the
44 planning for mental health services already accomplished in the region.

45 SECTION 8. That Section 39-3132, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 39-3132. POWERS AND DUTIES. The regional mental health board:

48 (1) Shall advise the ~~division of mental health~~ state mental health

1 authority through the state planning council on local mental health needs
2 within the region;

3 (2) Shall assist in the formulation of an operating policy for the
4 regional service;

5 (3) Shall interpret the regional mental health services to the citizens
6 and agencies of the region;

7 (4) Shall advise the state mental health authority and the state planning
8 council of the progress, problems and proposed projects of the regional ser-
9 vice;

10 (5) Shall collaborate with the regional advisory substance abuse authori-
11 ties and the regional children's mental health councils to develop appropriate
12 joint programs;

13 (6) Shall promote improvements in the delivery of mental health services
14 and coordinate and exchange information regarding mental health programs in
15 the region;

16 (7) Shall identify gaps in available services including, but not limited
17 to, services listed in section 39-3128, Idaho Code, and recommend service
18 enhancements that address identified needs for consideration to the state men-
19 tal health authority;

20 (8) Shall assist the state planning council on mental health with plan-
21 ning for service system improvement. The state planning council shall incorpo-
22 rate the recommendation to the regional mental health boards into the annual
23 report provided to the governor by June 30 of each year. This report shall
24 also be provided to the legislature; and

25 (9) May develop, or obtain proposals for, a service plan component for
26 consideration by the state mental health authority.

27 SECTION 9. That Section 39-3133, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 39-3133. DIRECTOR OF ~~DIVISION OF MENTAL HEALTH~~ THE DEPARTMENT OF HEALTH
30 AND WELFARE -- DUTIES. The director of the department of health and welfare
31 shall appoint and supervise the directors of each regional mental health ser-
32 vice and shall supervise its program; shall prescribe uniform standards of
33 treatment and care provided by each regional service; shall set the profes-
34 sional qualifications for staff positions; and make such other rules as are
35 necessary and proper to carry out the purposes and intent of this act.

36 SECTION 10. That Section 39-3134A, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 39-3134A. COOPERATIVE SERVICE PLAN COMPONENT. The regional mental health
39 board may undertake development of a service plan component specifically
40 designed to address an identified unmet need in the region. Such a service
41 plan component may be based upon the assertive community treatment team model,
42 other available intensive models, or a model unique to the region. Such a ser-
43 vice plan component shall specify the distinct resource contribution of each
44 participating entity, the terms and conditions of participation and the mea-
45 sures to be used to assess performance and outcomes under the service plan
46 component. The service plan component shall include governance procedures,
47 evaluation data, and the means for amendment or termination of the service
48 plan component. If a service plan component is developed pursuant to this sec-
49 tion and approved by the state mental health authority, the service plan com-
50 ponent shall be funded by the state as provided in the service plan component,
51 subject to the appropriation made for that purpose. In addition to the funds

1 provided for in section 39-3136, Idaho Code, the state may provide develop-
2 ment grants through the state mental health authority and in coordination with

3 the regional mental health board for twenty-four (24) hour emergency psychiat-
4 ric services, short-term psychiatric beds, transitional housing and detoxifi-
5 cation facilities. Nothing in this chapter shall preclude the regional mental
6 health board from receiving private and other public funding to assist the
7 regional mental health board in providing services.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 16038

This legislation is one of several recommendations from the Sub-Committee on Mental Health of the Health Care Task Force, which met over the past summer to examine the mental health care delivery system of the state. The State Planning Council on Mental Health is codified in Section 3 of the bill. Section 5 of the bill adds both "transitional housing" for individuals with mental illness and "intensive support services" such as ACT Teams as optional service components of a regional mental health service center. Section 10 of the bill allows the state to provide development grants to regional mental health boards for expanded mental health services for improved access to psychiatric services and beds, transitional housing, and detoxification facilities.

FISCAL IMPACT

The Sub-Committee on Mental Health is recommending and requesting an appropriation this year of \$4,000,000 to fund the regional grant program established by this legislation. If JAFC fails to appropriate any funding for the grant program, the legislation will have no fiscal impact to the state.

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STATEMENT OF PURPOSE/FISCAL NOTE

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